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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,177	07/19/2001	Bruce A. Willins	538Y-1	1895
156	7590	09/19/2005	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			ZHONG, CHAD	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/909,177	WILLINS ET AL.
Examiner	Art Unit	
Chad Zhong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 August 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 17-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 17-29 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

FINAL ACTION

1. This action is responsive to communications: Amendment, filed on 08/09/2005. This action has been made final.
2. Claims 1-29 are presented for examination. In amendment, filed on 08/09/2005:
Claims 1-16 are cancelled.
Claims 17-29 are newly added.
3. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Rejections - 35 USC § 112, second paragraph

4. Claims 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - a. The claim language in the following claims is not clearly understood, rendering the claims indefinite:
 - i. As per claim 24, line 4, “authentication request for a predetermined time period”, should be for authorization and not authentication.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United

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States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

5. Claims 17-22, 24-26, and 28-29 are rejected under 35 U.S.C. 102(e) as being unpatentable over Davies (hereinafter Davies), US 6,588,664.

6. As per claim 17, Davies teaches a method of enabling authorized access to an application server on a network (Col. 6, lines 22-23), comprising the steps of:

- a) requesting authentication over the network (Fig 5, item 100; Col. 7, lines 27-34), and requesting access to the service for a predetermined period (Col. 7, line 32; Col. 5, lines 1-3 and 30-35);
- b) printing encoded, machine-readable indicia having parts of different light reflectivity which identify an authenticated user on a portable, physical ticket in response to the requesting step (Fig 4A, 4B, 4C); and
- c) presenting the physical ticket to a reader for electro-optically reading the indicia to gain access to the application server on the network only for said predetermined time period (Fig 5, item 112; Col. 5, lines 50-55; Col. 6, lines 22-23; Col. 7, lines 59-64).

7. As per claim 18, Davies teaches the requesting step is performed by sending an electronic request to an authentication server on the network (Fig 5, item 100, the user logs into a webpage/authentication server and request for ticket to be printed).

8. As per claim 19, Davies teaches the printing is performed on a disposable medium (Fig 4A – 4C; and Col. 4, lines 66-67).

9. As per claim 20, Davies teaches the printing is performed by printing a two-dimensional bar code symbol (Fig 4A – 4C).

10. As per claim 21, Davies teaches situating the network in a public venue (Col. 2, lines 25-30; Col.

3, lines 10-20; Col. 7, line 30).

11. As per claim 22, Davies teaches a method of enabling authorized access to a network, the method comprising the steps of:

- a) requesting and receiving from a key distribution center (site 20; Fig 1) over the network an electronic ticket signal identifying a user (Col. 7, lines 54-58), an application server to be accessed on the network (Fig 5, item 112), and a predetermined time period for accessing the application server (Fig 5, item 100, and Col. 5, lines 1-3 and lines 30-35);
- b) printing encoded, machine-readable indicia having parts of different light reflectivity which identify the user, the service to be accessed, and the predetermined time period on a portable, physical ticket based on receipt of the electronic ticket signal (Fig 4A – 4C, Fig 5, item 108); and
- c) presenting the physical ticket to a reader for electro-optically reading the indicia to obtain from the indicia, data for identifying the user, the service and the predetermined time period, to authorize the identified user to access the network and the identified application server only for the predetermined time period (Fig 5, item 112; Col. 6, lines 22-23, and Col. 7, lines 59-64).

12. As per claims 24-26, the claims are rejected for the same reasons as rejection to claims 1, and 19-20 above respectively.

13. As per claim 28, the claim is rejected for the same reasons as rejection to claim 21 above.

14. As per claim 29, Davies teaches the network is a wireless local area network (Col. 2, lines 40-45).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (hereinafter Davies), US 6,588,664.

17. As per claim 27, Davies does not explicitly teach the symbol is PDF-417. However, it would have been obvious to the person of ordinary skill in the art at the time of the invention to have used PDF-417 as the representation for said symbol in order to substantially encode large amount of data within the symbol.

18. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (hereinafter Davies), US 6,588,664, in view of Lewis et al. (hereinafter Lewis), US 6,233,565.

19. As per claim 23, Davies teaches the key distribution center includes an authentication server (Fig 1, CPU 18) and a ticket granting server (Fig 1, database 18), and wherein the requesting and receiving steps are performed by initially sending a request to the authentication server for access to the ticket granting server (Col. 7, lines 54-64).

Davies does not explicitly teach by thereupon receiving a response containing a session key encrypted with a ticket server key, by thereupon sending a subsequent request to the ticket granting server for access to the service, and by subsequently receiving the electronic ticket signal from the ticket granting server.

However, Lewis teaches by thereupon receiving a response containing a session key encrypted with a ticket server key (Col. 14, lines 25-35), by thereupon sending a subsequent request to the ticket granting server for access to the service, and by subsequently receiving the electronic ticket signal from the ticket granting server (Col. 2, lines 42-67; Col. 28, line 50 – Col. 29, line 25). It would have been obvious to the person of ordinary skill in the art at the time of the invention to combine teachings of Davies and Lewis because by thereupon receiving a response containing a session key encrypted with a ticket server key, by thereupon sending a subsequent request to the ticket granting server for access to the service, and by subsequently receiving the electronic ticket signal from the ticket granting server as taught by Lewis would improve the security capabilities of Davies's systems by allowing for encryption of data transmission through usage of session keys.

Conclusion

20. Applicant's remarks filed 08/09/2005 have been considered but are moot in view at the new grounds at rejection necessitated by Applicant's amendment.

21. **THIS ACTION IS MADE FINAL.** Applicant is relieved of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

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final action.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "BAR CODE SYMBOL TICKETING FOR AUTHORIZING ACCESS IN A WIRELESS LOCAL AREA COMMUNICATIONS NETWORK".

i. US 6665427 Keagy et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ
September 7, 2005

